

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after

making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.


PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
- ☐ Please charge _____ to Deposit Account No. **50-2518** for the above fee(s).
- ☒ Although applicant believes no fee is required, the Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. **50-2518**.

Respectfully submitted,
BINGHAM McCUTCHEN LLP

Dated: September 20, 2004

By: _____

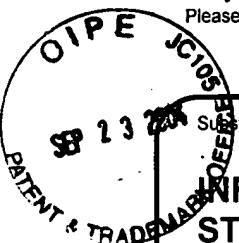

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/799,271
Filing Date	March 12, 2004
First Named Inventor	Robert J. Garabedian
Group Art Unit	3762
Examiner Name	Not-Yet-Assigned
Attorney Docket Number	2024730-7038192001

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
		5,342,410		Braverman	August 30, 1994	
		5,358,514		Schulman et al.	October 25, 1994	
		5,374,285		Vaiani et al.	December 20, 1994	
		5,391,200		KenKnight et al.	February 21, 1995	
		5,423,864		Ljungstroem	June 13, 1995	
		5,423,877		Mackey	June 13, 1995	
		5,443,492		Stokes et al.	August 22, 1995	
		5,501,703		Holsheimer et al.	March 26, 1996	
		5,611,345		Hibbeln	March 18, 1997	
		5,755,750		Petruska et al.	May 26, 1998	
		5,782,798		Rise	July 21, 1998	
		5,800,474		Benabid et al.	September 1, 1998	
		5,931,862		Carson	August 3, 1999	
		5,984,909		Lurie et al.	November 16, 1999	
		6,016,449		Fischell et al.	January 18, 2000	
		6,018,682		Rise	January 25, 2000	
		6,128,537		Rise	October 3, 2000	
		6,192,279		Barreras, Sr. et al.	February 20, 2001	
		6,192,280		Sommer et al.	February 20, 2001	
		6,393,325		Mann et al.	May 21, 2002	
		6,430,442		Peters et al.	August 6, 2002	
		6,466,822		Pless	October 15, 2002	
		6,510,347		Borkan	January 21, 2003	
		6,516,227		Meadows et al.	February 4, 2003	
		6,591,138		Fischell et al.	July 8, 2003	
		6,597,953		Boling	July 22, 2003	
		6,600,956		Maschimo et al.	July 29, 2003	
		6,606,521		Paspa et al.	August 12, 2003	
		6,658,302		Kuzma et al.	December 2, 2003	
		6,671,544		Baudino	December 30, 2003	
		6,675,046		Holsheimer	January 6, 2004	
		US 2002/0156513		Borkan	October 24, 2002	

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Alexandria, VA 22313-1450.

OC/207313.3